IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

Crl.MC.No. 3168 of 2007()

ORDER IN CRL.M.P.NO.1033/2007 IN CRL.APPEAL NO.196/2007
OF THE SESSIONS COURT, WAYANAD
S.T.NO.2025/2005 OF J.F.C.M-I, SULTHAN BATHERY

PETITIONER: PETITIONER/APPELLANT/ACCUSED

SANTHOSH, S/O. JANARDHANAN, AGED 34 YRS,
KIZHAKKEYIL HOUSE, POOTNADI POST, KONICHIRA,
WAYANAD DISTRICT.

BY ADV. SRI.BIJU .C. ABRAHAM

RESPONDENTS: RESPONDENTS/RESPONDENTS/COMPLAINANT & STATE

---

1. DHANASHILPI CHITS PVT. LTD.,
SULTHAN BATHERY BRANCH BY ITS MANAGING DIRECTOR,
SRI. VENUNATHAN, REPRESENTED BY THE POWER OF
ATTORNEY HOLDER SRI. MADHAVAN.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 18/10/2007 ALONG WITH CRL.M.C.NO.3182 OF 2007, THE COURT
ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.Nos.3168 & 3182 of 2007

Dated this the 18th day of October, 2007

O R D E R

The common petitioner in these petitions has been found guilty, convicted and sentenced in 2 separate prosecutions, both under Section 138 of the Negotiable Instruments Act and initiated by the same respondent/complainant. He preferred appeals and in the appeals, the learned Sessions Judge has directed suspension of execution of the sentences subject to conditions. The conditions imposed include the condition that an amount of Rs.10,000/- and Rs.15,000/- respectively must be deposited by the petitioner on or before 24.09.07. It is submitted that the time fixed was extended later till 24.10.07. The petitioner has come before this Court with the grievance that the said condition imposed is onerous. The petitioner shall not be able to pay that amount and if such conditions were imposed, he shall have to face the unfortunate and unjust consequences even before disposal of the appeals.

2. After discussions at the Bar, the learned counsel for the petitioner submits that the petitioner shall deposit an amount of Rs.5,000/- (Rupees Five thousand only) each in these 2 cases before the learned Sessions Judge on or before 19.11.2007. If he so deposits

the amount, he shall be granted further time till 19.12.2007 to pay the balance amount. In case the petitioner is not able to raise the balance amount, the petitioner can, on 19.11.2007 or earlier, request the learned Sessions Judge to dispose of the appeals itself expeditiously. In such event, the learned Sessions Judge shall dispose of the appeals on or before 19.12.2007.

3. These Crl.M.Cs are allowed in part to the above extent.

(R.BASANT, JUDGE)

rtr/-